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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/209,706	12/11/1998	EDWARD F. TOKAS	IR-2588(ET)	6621

7590

10/23/2002

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 10/23/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/209,706	TOKAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Geoffrey L. Knable	1733	

-- The MAILING DATE of this communication appears n th cover sheet with th correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 54,56,57,59-83,93,94,96,98-102,104-142 and 144-150 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54,56,57,59-83,93,94,96,98-102,104-142 and 144-150 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

1. Applicant's election without traverse of the species of group I in Paper No. 22 is acknowledged. No claims are held non-elected as the non-elected claims have been cancelled.
2. It is noted that in the remarks accompanying the election, reference is made to claims 85-91 being pending. These claims were however cancelled in a previous amendment.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 54, 56, 57, 59-83, 93, 94, 96, 98-102, 104-142 and 144-150 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO97/38036 to Ciba Specialty Chemicals and/or Brown-Wensley et al. (US 5,491,206 – previously of record, newly applied) taken in view of Lesser (US 2,978,354 – newly cited), Cole et al. (US 3,485,655 – newly cited), Kriebel (US 2,901,099 – newly cited) and EP 424,833.

It is considered to be known in general to coat a wide variety of substrates with catalyzed metathesis polymerizable polymers - WO 97/38036 (note esp. pages 33+) and Brown-Wensley et al. (note esp. col. 15, lines 25-31) are cited as merely being exemplary of this known application of a variety of metathesis polymerizable materials as coatings on a wide variety of substrates. These general teachings however do not provide specifics of the coating application, it being expected that the polymer is applied together or already mixed with the catalyst.

Lesser (note esp. cols. 1-2), Cole et al. (note esp. cols. 1-2) and Kriebel (col. 3, lines 19-26) evidence that it is well known when forming catalyzed coatings on a variety

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of substrates to provide the catalysis at the substrate surface rather than mixed with the coating polymer to be applied for the advantage of avoiding the shortened pot life of polymer/catalyst mixtures as well as avoiding complicated and costly methods of mixing the catalyst during the e.g. spraying of the coating. It is submitted that the ordinary artisan would thus have been *strongly motivated*, and found it to have been an obvious alternative, to form the known metathesis polymer coatings by providing the requisite catalyst at the substrate surface rather than mixed with the polymer for these expected benefits. Note also EP '833, also directed to metathesis polymerization, similarly indicates that the need for a separate mixing of the monomer with a catalyst stream can be obviated if the catalyst is first applied to a substrate surface, this reference thus providing evidence that separate application of a metathesis catalyst to a substrate surface would have been expected to suitably successfully catalyze the desired metathesis reaction. In other words, such provides evidence that providing a metathesis catalyst at the substrate surface would have reasonably been expected to successfully effect the desired reaction. The particular catalysts and monomers claimed are considered to be well known, conventional and therefore obvious in the art of metathesis polymerization and in most cases are further taught in the primary references. Likewise, the references suggest broad application to a variety of substrates - coating application to any such substrates being therefore obvious and leading to only the expected results.

5. Applicant's arguments have been considered but are essentially moot in view of the new ground(s) of rejection. The rejection using EP '833 alone has however been withdrawn in light of the amendments to the claims and applicant's remarks.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
October 20, 2002